

REMARKS

This application was originally filed on 28 September 2001 with seventy claims, four of which were written in independent form. No claims have been allowed.

The drawings were objected to as failing to comply with 37 C.F.R. § 1.84(p)(5) because they did not include reference sign 416. The applicant has amended the specification to replace this reference with reference signs 422, 426, 428, and 430 in order to overcome this objection.

Claims 11 and 28 were rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which the applicant regards as the invention. The applicant respectfully disagrees. The Examiner stated, "Claims 11 and 29 appear to be directed to the embodiments shown in Figs. 13-14 which do not show a retro-reflector. Thus, there is insufficient antecedent basis for the recitation of a retro-reflector in claims 11 and 28."

Claim 11 recites, "The optical switch of Claim 1, at least one of said second and third deflectors comprised of a fixed reflective surface." Claim 28 recites, "The optical switch of Claim 18, at least one of said second and third deflectors comprised of a fixed reflective surface."

The specification, beginning on line 11 of page 21 recites, "Comparing Figures 13 and 14, it is evident that the second 1310 and third 1314 mirrors need not operate. Referring back to Figures 5 and 6, it is evident the same is true for the second 428 and third 430 deflecting members of the prior architectures as well. Thus, the deflecting members may be comprised of four moveable members, or arrays of moveable members, or just two moveable members, or arrays of moveable members, in combination with two stationary deflecting members. Furthermore, the stationary deflecting members, like the moveable members, may have curved as well as flat optical surfaces. For example, in some applications using a spherical or aspherical curved deflecting surface helps to focus the light from one fiber or mirror to the next, or helps to simplify alignment of the OADM during assembly" (emphasis added). Thus, the applicant believes there is sufficient antecedent basis for the recitation of a retro-reflector in claims 11 and 28.

Claims 1 and 42 were rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,466,711 to Laor et al. ("Laor"). Claims 18 and 53 were rejected under 35 U.S.C. § 102(e) as being anticipated by Laor, in view of U.S. Patent No. 6,097,859 to Solgaard et al.

("Solgaard"). The applicant respectfully disagrees.

As amended, Claims 1, 18, 42, and 53 recite a "first deflector operable to rotate about an axis in opposite directions from a neutral position to a first and second state" and a "fourth deflector operable to rotate about an axis in opposite directions from a neutral position to a first and second state" One advantage of operating the micromirror in this manner is increased signal isolation between the states. Neither Laor nor Laor in view of Solgaard shows, teaches, or suggests this limitation.

Claims 5-8, 10, 12, 16-17, 43, 45, 47, and 51-52 were rejected under 35 U.S.C. § 102(e) as being unpatentable over Laor. Claims 2-4, 9, 13-15, 44, 48-50 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Laor. Claims 19-27, 29-41, 54-56, 58-67, 69-70 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Laor in view of Solgaard. Claims 2-10, 12-17, 19-27, 29-41, 43-45, 47-52, 54-56, 58-67, and 69-70 depend from Claims 1, 18, 42, and 53 and should be deemed allowable for that reason and on their own merits. Laor in view of Solgaard does not show, teach, or suggest the recited elements of the base claims, much less the recited elements of the base claims in combination with the additional limitations of Claims 2-10, 12-17, 19-27, 29-41, 43-45, 47-52, 54-56, 58-67, and 69-70.

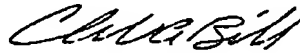
The applicant notes that no rejection of 68 was indicated in the official action.

Newly added Claims 71-90 include four independent claims, Claims 71, 77, 83, and 87. Independent Claim 71 is similar to independent Claim 1 including the limitations of dependent Claim 11. Claim 11 was not rejected over prior art. Independent Claim 77 is similar to independent Claim 18 including the limitations of dependent Claim 28. Claim 28 was not rejected over prior art. Independent Claim 83 is similar to independent Claim 42 including the limitations of dependent Claim 46. The Examiner stated Claim 46 would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claim. Independent Claim 87 is similar to independent Claim 53 including the limitations of dependent Claim 57. The Examiner stated Claim 57 would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claim.

In view of the amendments and the remarks presented herewith, it is believed that the

claims currently in the application accord with the requirements of 35 U.S.C. § 112 and are allowable over the prior art of record. Therefore, it is urged that the pending claims are in condition for allowance. Reconsideration of the present application is respectfully requested.

Respectfully submitted,



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